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and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT) ANTITRUST) Case No. 07-5944 SC
LITIGATION)
MDL No. 1917

This Document Relates to:

INDIRECT-PURCHASER ACTIONS

**DECLARATION OF EVA W. COLE IN
SUPPORT OF DEFENDANTS'
ADMINISTRATIVE MOTION TO
SEAL DOCUMENTS PURSUANT TO
CIVIL LOCAL RULES 7-11 AND 79-
5(d)**

1 I, Eva W. Cole, declare as follows:

2 1. I am an attorney with Winston & Strawn LLP, attorneys for Defendants
3 Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation
4 (f/k/a Matsushita Electric Industrial Co., Ltd.) (collectively, the “Panasonic Defendants”) in these
5 actions. I am a member of the bar of the State of New York and I am admitted to practice before this
6 Court *pro hac vice*. I make this declaration pursuant to Civil Local Rule 79-5(d) to establish that
7 certain documents containing Confidential and Highly Confidential information and submitted to the
8 Court in connection with Defendants’ Opposition to Indirect-Purchaser Plaintiffs’ Motion for Class
9 Certification and the Memorandum of Points and Authorities in Support Thereof (“Opposition
10 Brief”) are sealable. Except for those matters stated on information and belief, about which I am
11 informed and which I believe to be true, I have personal knowledge of the facts stated herein and, if
12 called as a witness, I could and would competently testify thereto.
13

14 2. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this
15 matter (Dkt. 306). On December 17, 2012, Defendants filed a Joint Administrative Motion to Seal, and
16 lodged conditionally under seal, the following documents, or portions thereof, pursuant to Civil Local
17 Rules 7-11 and 79-5(d):
18

19 (a) Portions of the Opposition Brief that contain information from documents that
20 Defendants have designated “Confidential” or “Highly Confidential”;

21 (b) Declaration of Eva W. Cole in Support of Defendants’ Opposition to Indirect-
22 Purchaser Plaintiffs’ Motion for Class Certification and Motion to Strike (“Cole Declaration”) that
23 contains quotations or information from documents, deposition testimony that Defendants have
24 designated “Confidential” or “Highly Confidential”;

25 (c) Exhibits 1 through 90 attached to the Cole Declaration in Support of Defendants’
26 Opposition to Indirect-Purchaser Plaintiffs’ Motion for Class Certification and Motion to Strike (“Cole
27

1 Exhibits”) that include documents and deposition testimony that Defendants have designated
2 “Confidential” or “Highly Confidential”;

3 (d) Declaration of Robert D. Willig in Support of the Opposition Brief (“Willig
4 Declaration”) that contains information from documents that Defendants have designated “Confidential”
5 or “Highly Confidential”;

6 (e) Exhibits 1A through 28B attached to the Willig Declaration (“Willig Exhibits”) in
7 Support of the Opposition Brief that contain quotations or information from documents and deposition
8 testimony that Defendants have designated “Confidential” or “Highly Confidential”;

9 (f) Defendants’ Motion to Strike the Proposed Expert Testimony of Dr. Janet S. Netz
10 (“Motion to Strike”) that contains quotations or information from documents and deposition testimony
11 that Defendants have designated “Confidential” or “Highly Confidential”;

12
13 3. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the
14 Panasonic Defendants to provide the basis for the Court to maintain under seal certain documents
15 and information designated by the Panasonic Defendants as “Confidential” or “Highly Confidential”
16 pursuant to the Stipulated Protective Order, and all references to those documents and information in
17 the Opposition Brief, the Cole Declaration and Exhibits, the Willig Declaration and Exhibits, and the
18 Motion to Strike.

19
20 4. Upon information and belief, the documents referred to in and/or attached to
21 the Willig Declaration and Exhibits consist of, cite to, and/or identify confidential, nonpublic,
22 proprietary and highly sensitive business information. The documents contain, cite, and/or identify
23 confidential information about the Panasonic Defendants’ sales processes, business practices,
24 internal practices, negotiating tactics, confidential business and supply agreements and competitive
25 positions. The documents describe relationships with companies that remain important to the
26 Panasonic Defendants’ competitive position. I am informed and believe that this is sensitive
27

1 information and public disclosure of this information presents a risk of undermining the Panasonic
2 Defendants' business relationships, would cause it harm with respect to its competitors and
3 customers, and would put the Panasonic Defendants at a competitive disadvantage.

4 5. Attached as Exhibit 3 to the Cole Declaration are excerpts from the transcript
5 of the deposition of Tatsuo Tobinaga, who was designated as a Fed. R. Civ. P. 30(b)(6) witness for
6 the Panasonic Defendants.

7 6. Upon information and belief, the transcript excerpts in Exhibit 3 of the Cole
8 Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly
9 sensitive business information. The transcript excerpts contain, cite, and/or identify confidential
10 information about the Panasonic Defendants' sales processes, business practices, internal practices,
11 negotiating tactics, confidential business and supply agreements and competitive positions. This
12 transcript describes relationships with companies that remain important to the Panasonic
13 Defendants' competitive position. I am informed and believe that this is sensitive information and
14 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
15 business relationships, would cause it harm with respect to its competitors and customers, and would
16 put the Panasonic Defendants at a competitive disadvantage.

17 7. Attached as Exhibit 18 to the Cole Declaration are excerpts from the transcript
18 of the deposition of Hirokazu Nishiyama, who was designated as a Fed. R. Civ. P. 30(b)(6) witness
19 for the Panasonic Defendants.

20 8. Upon information and belief, the transcript excerpts in Exhibit 18 of the Cole
21 Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly
22 sensitive business information. The transcript excerpts contain, cite, and/or identify confidential
23 information about the Panasonic Defendants' sales processes, business practices, internal practices,
24 negotiating tactics, confidential business and supply agreements and competitive positions. This
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1 transcript describes relationships with companies that remain important to the Panasonic
2 Defendants' competitive position. I am informed and believe that this is sensitive information and
3 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
4 business relationships, would cause it harm with respect to its competitors and customers, and would
5 put the Panasonic Defendants at a competitive disadvantage.

6 9. Attached as Exhibit 20 to the Cole Declaration is a document produced by the
7 Panasonic Defendants bearing the bates number MTPD-0300203.

8 10. Upon information and belief, the document appearing in full in Exhibit 20 of
9 the Cole Declaration consists of, cites to, and/or identifies confidential, nonpublic, proprietary and
10 highly sensitive business information. The document contains, cites, and/or identifies confidential
11 information about the Panasonic Defendants' sales processes, business practices, internal practices,
12 negotiating tactics, confidential business and supply agreements and competitive positions. This
13 document describes relationships with companies that remain important to the Panasonic
14 Defendants' competitive position. I am informed and believe that this is sensitive information and
15 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
16 business relationships, would cause it harm with respect to its competitors and customers, and would
17 put the Panasonic Defendants at a competitive disadvantage.

18 11. Attached as Exhibit 48 to the Cole Declaration are excerpts from the transcript
19 of the deposition of Masahiro Kimura, who was designated as a Fed. R. Civ. P. 30(b)(6) witness for
20 the Panasonic Defendants.

21 12. Upon information and belief, the transcript excerpts in Exhibit 48 of the Cole
22 Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly
23 sensitive business information. The transcript excerpts contain, cite, and/or identify confidential
24 information about the Panasonic Defendants' sales processes, business practices, internal practices,
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1 negotiating tactics, confidential business and supply agreements and competitive positions. This
2 transcript describes relationships with companies that remain important to the Panasonic
3 Defendants' competitive position. I am informed and believe that this is sensitive information and
4 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
5 business relationships, would cause it harm with respect to its competitors and customers, and would
6 put the Panasonic Defendants at a competitive disadvantage.

7
8 13. Attached as Exhibit 51 to the Cole Declaration are excerpts from the transcript
9 of the deposition of Edwin Wolff, who was designated as a Fed. R. Civ. P. 30(b)(6) witness for the
10 Panasonic Corporation of North America.

11 14. Upon information and belief, the transcript excerpts in Exhibit 51 of the Cole
12 Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly
13 sensitive business information. The transcript excerpts contain, cite, and/or identify confidential
14 information about the Panasonic Defendants' sales processes, business practices, internal practices,
15 negotiating tactics, confidential business and supply agreements and competitive positions. This
16 transcript describes relationships with companies that remain important to the Panasonic
17 Defendants' competitive position. I am informed and believe that this is sensitive information and
18 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
19 business relationships, would cause it harm with respect to its competitors and customers, and would
20 put the Panasonic Defendants at a competitive disadvantage.

21
22 15. Attached as Exhibit 54 to the Cole Declaration is a document produced by the
23 Panasonic Defendants bearing the bates numbers MTPD-0308109 through MTPD-0308111.

24
25 16. Upon information and belief, the document appearing in full in Exhibit 54 of
26 the Cole Declaration consists of, cites to, and/or identifies confidential, nonpublic, proprietary and
27 highly sensitive business information. The document contains, cites, and/or identifies confidential

1 information about the Panasonic Defendants' sales processes, business practices, internal practices,
 2 negotiating tactics, confidential business and supply agreements and competitive positions. This
 3 document describes relationships with companies that remain important to the Panasonic
 4 Defendants' competitive position. I am informed and believe that this is sensitive information and
 5 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
 6 business relationships, would cause it harm with respect to its competitors and customers, and would
 7 put the Panasonic Defendants at a competitive disadvantage.
 8

9 17. The Opposition Brief, the Cole Declaration and Exhibits, the Willig
 10 Declaration and the Willig Exhibits, and the Motion to Strike quote from or describe documents or
 11 information designated as "Confidential" or "Highly Confidential" by the Panasonic Defendants
 12 pursuant to the Stipulated Protective Order, including but not limited to Exhibits 3, 18, 20, 48, 51,
 13 and 54. As with the exhibits themselves, I understand that the Panasonic Defendants consider any
 14 statements in the Opposition Brief, the Cole Declaration and Exhibits, the Willig Declaration and
 15 Exhibits, and the Motion to Strike purporting to summarize the exhibits or any other documents or
 16 information designated "Confidential" or "Highly Confidential" by the Panasonic Defendants
 17 confidential and proprietary. I am informed and believe that the Panasonic Defendants have taken
 18 reasonable steps to preserve the confidentiality of information of the type contained, identified, or
 19 cited to in Exhibits 3, 18, 20, 48, 51, and 54 and referenced in the Opposition Brief, the Cole
 20 Declaration and Exhibits, the Willig Declaration and Exhibits, and the Motion to Strike.
 21

22 I declare under penalty of perjury under the laws of the United States of America that the
 23 foregoing is true and correct.
 24

25 DATED: December 17, 2012

By: /s/ Eva W. Cole

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